**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 5667 OF 2005**

Dr. Prabhatsinh Laxmansinh Rathod ... Petitioner

V/s

The District Rural Development Agency,
Dadra & Nagar Haveli U.T. & ors. ... Respondents

Mr. M.S. Karnik for the petitioner.

Mr. Ashokan i/by Sonali Joshi for respondent Nos. 1 to 3.

**CORAM: H.L. GOKHALE &**
**J.H. BHATIA, JJ.**

**DATED: 12TH JUNE, 2006**

**P.C.**:

1. Heard Mr. Karnik in support of this petition. Mr. Ashokan appears for the respondents.

2. Rule. Rule made returnable forthwith.

3. The services of the petitioner have been terminated by order dated 12.8.005 on the ground that his recruitment itself was not a valid one since he was over-age at that time. The grievance of Mr. Karnik, learned counsel for the petitioner is that the

petitioner was not afforded any opportunity of being heard. Mr. Ashokan points out that the petitioner has given written reply which has been examined. The fact however remains that an order of termination is something materially affects the person. These are civil consequences and, therefore, the oral hearing is something which is normally expected. For this limited purpose, we interfere with the impugned order passed on 12.8.2005 and send down the matter once again to the authority which is expected to hear the petitioner and then decide the allegations against him. We make it clear that, in the meanwhile, the petitioner is not to be reinstated in the service. That will depend upon the decision to be arrived at by the authority.

4. We expect the concerned authority to decide the proceeding within three months from the receipt of the copy of this order.

5. Rule made absolute as above. No order as to costs.

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( H.L. GOKHALE, J. )

( J.H. BHATIA, J. )